G R S App F IX-4]

1946 - 47

File No 138-46

Previous References
ml 138 46 (5 6)
- 163-38 (1-2)
- 44-30 (3 5 9 14)

Serial Nos 9, 10

Later References

GENERAL AND REVENUE SECRETARIAT

Serial Nos Two

Part B for Lepers

SUBJECT

Powers of Voting by the Deputy Commissioners at the election of Presidents of town Municipalities

L 9601 & 23 Qrs

The De mandza

Voters The

C F 69]

Continuation Sheet | File No / Current No | of | Page 9939 / L

From the Deputy Commissioner, Mandya District No. A5-427/46-47 dated 10.6.1947.

Requests further clarification of the instructions issued in this office letter No. L 15948/Rl 138-46 6 dated 16.6.47 re voting by the D.C.s at the election of Presidents of Town Mlts.

Flag A — The D.C. Mandya doubt states that the instructions issued in G.O. No. L 852-9/Rl 44-30-5 dated 22-7-1930 prohibiting the nominated official members of the Town and Minor Ml Councils from the voting at the election of Presidents and Vice-Presidents, exempted the Deputy Commissioners or the Amildars presiding at the meeting of the Ml Council under Sect. 23(6) of the Town Mlts. Act 1933, from the operation of the order of prohibition.

Flag B — 2. He states further that this G.O. dated 22-7-1930 has not been superseded but modified in G.O. No. L 6869-79/Rl 163-38-2 dated 25/27-2-1939 directing the nominated official members also to vote at the election of Presidents and Vice-Presidents of the Ml Councils.

3. Therefore he contends that the Deputy Commissioners or the Amildars as the case may be could exercise their votes at such elections but the notice issued in the letter dated 16.5.47 are in conflict with the G.O. quoted above and hence requires further clarification.

Flag C — 4. This issue has been fully discussed in the notes leading to the issue of this office letter dated 16.5.47, and the position of the D.C. as an interim President under Sect. 23(6) of the Act has been fully detailed in para 3 of the letter and calls for no further clarification. The D.C. may therefore, perhaps be replied to suitably.

16/6

9939/d

Continuation Sheet | File No / Current No | of | Page

5 Pl put up to file mt 44-30-5 leading to the issue of no L 852-9 of 22/7/30

for SJ 24/7

6 Subst with the collection mt 44-30-5 flagged a

7 Mr G o V queried re P U D Maybe flagmarked & subs. This should be mainly done in future

for 18/7/43

8) Attended to & Subd

KHB 18/7 BRS

9 Mr Simmons Pl stand this up

for 20/7/43

10 Mr G o no L 852-9 / mt 44-30-1 Flag a — 14 dated 22-7-1930, [illegible] attached it was directed that Provl members should not vote at the election of Presidents & Vice Presidents — & Dunt Rural Dists Bill was made clear that this prohibition does not apply to the Dists & Rural Dists presiding at the meetings of the Dists under sec 23 (3) of the Dists Act Regs. Mrs first objection further clarified in the letter no

Hay I

Hay 2

9939
2nd

612 Law
Validity of election, in view of the fact
to pressure at these meetings was considered
a special one without his carrying out
the wishes of the electorate
who voted to elect that he cannot
vote at the meetings, thus doing a
distinction between presiding & voting
11) The instructions issued in this case
Hogan/ letter dated 7.6.5 by do not in any
way take away the right of the
to preside cannot therefore be
construed to contradict with the
wide powers vested in the subject
the Law section may therefore be
construed in the part

new regs
11/8/47

Zone
Dir
SR +7 OR-

12) Secy for Law
W/C

for favour of
opinion

8
5/8/47

612/Ci

9939 -
- mf

Voting by Dy Commr at meeting of Municipal Council for election of Presidents & Vice-Presidents

13) There are three Government Orders in question dated
1) 22-7-1930 - Fl Q
2) 27-2-1939 - Fl D
3) 16-5-1947 - Fl A

14) The Govt Order dated 22-7-1930 (Fl Q) prohibits the official members from voting at the election of Presidents and Vice-Presidents, it also states that such prohibition does not, however, apply to the Deputy Commissioners, and Amildars presiding at the meeting of the Municipal Council under Sec 23(3) of the Municipal Regulations, 1906

15) The Govt Order dated 27-2-1939 (Fl D) modifies the above Govt Order and directs that the official members nominated to the Municipal Councils may vote at the election of Presidents and Vice-Presidents of the respective Municipal Councils

16) Kind reference is invited to the opinion of the Law Secretary in File No 138-46 leading to the Govt Order dated 16th May 1947 (Fl A)

17) Sec 23(5) of the Municipal Regulation, 1906 is substantially the same as Sec 23(6) of the Town Municipalities Act, 1933 It is held in the File No 138-46 that the position of the Deputy Commissioner or Amildar acting under Sec 23(6) is only that of an ad-interim nature and that therefore they may not vote To that extent the Govt Order dated 16th May 1947 (Fl A) modifies the original Govt Order dated 22-7-1930 (Fl Q), though however the right to preside in such circumstances (Vide Sec 23(6) of the Town Municipalities Act) remains unaltered

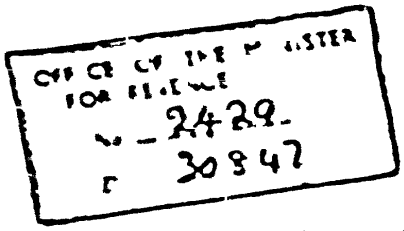
Law Secy) 12/8

18) 13/8

Rev Secy) 13/8

mr Rep 19) Submit for perusal the opinion of the Law Secy as in the last portion of para 17 will decide the issue raised by the D C Mangalore noted at para 3 of the Note.
14/8 20) For orders, whether the D C be informed accordingly

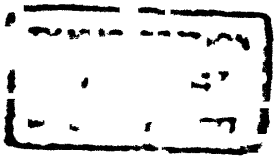
-7939-
M



The opinion of the Law Secy.
as mentioned in para 17 supra
& the contents of the s o dy
16.5.47 (flag A) are clear-
on the point raised by the
S.C. He will be informed
accordingly.

Minister
Law & Coms.

30/8/47



Sd/-
Sd/-
D M Rettegi
1/9/47

Sd/- Will a draft be submitted
maybe appr
necessary
Sd/- 6/9/47
Appd
Sd/- 8/9/47
I have
seen
9/9/47

~~Sl. 10~~

Sl 10) To the D.C Mandya Dt

No. L 9601/ml 138-46-10 Dt 23-9-47

Vests the Powers of the D C
to vote in the election of Presidents
and Vice Presidents of Town Panchayats

L 9602-9 Dt 23-9-47

Copies to other D Cs of Dist Dts

RD
27-11-47

539/L

From the P.D.B. Shimoga

No C 440/LB 46-47 of 21/5/47

Reports cancellation to the proposal of the 'District' Boards to prevent the ex-officio members of the District Boards from voting in the election of Presidents and Vice Presidents of the Dist Boards

Letter of 5/6/47 from Sri H N Channabasappa Bar-at-Law (M L C) in the matter

Subject

1) Above reference is invited to

xfly 2 Govt No L [x] 55 42-60/LB 82-38-2 of 9/1/39 permitting the official members of the District Boards to vote at the election of Presidents & Vice Presidents of the respective District Boards

2) The Shimoga District Board requests that the above Govt order (of 9/1/39) may be cancelled and the previous order 28/5/1930 (fly T.)

5 39 "J"
V 85.0/L

~~may be~~ directing that the Official members should not vote at the time of such election, may be brought into force.

3) Mr. H. M. Chauvin Barrister (H.L.) also requests that the order of ~~1938~~ 9/1/39 may be cancelled. As an alternative, he suggests that a communique to the effect "that the Official members are free to vote in the best way they choose without any party prejudices", may be issued.

4) In the above circumstances, the proposal of the District Board to cancel the order of 9/1/39 permitting the Official members to vote at the time of election is submitted for orders.

ma 20/6/47

W 21/6

Resubmitted with the pressmi papers on the Resolution.

that was tabled in the L C
December session 1946 inquiry as to present
the ex-officio members from
voting at the time of the election
of presidents and Vice presidents
in the Local bodies.

A note put up on the same
resolution is also submitted herewith
The reasons that led to
the passing of the order G 9-1-39 (Pg 2)
directing that official members
nominated to the district boards
may vote at the time of election
of presidents and Vice
presidents of the District boards
are given in the final note
in the collection L B 82-38-4

26/6 Rewriting for
The present policy of
Govt is in regard to get..

both competent persons elected as presidents & Vice-presidents; and this policy is conducive to safe-guard public interest

Minister
Rev & Cons

26/6/67

857 903
-2B

Cabt Note no. W 245 - by Mr K Henderson

Order 9/1/39 - Fig 2 - have directed that official members nominated to the district boards may vote at the election of Presidents and Vice presidents the reasons that led to the passing of this order are given in the final Note in the collection. LBS 2-38-4

Fig 2

Rec'd 27/6

27/6/47

The present policy of Government is intended to get best and competent persons elected as Presidents and Vice Presidents, and this policy is conducive to safeguard public interest.

Minister for Revenue and Comms.

27/6/47

OFFICE OF THE MINISTER
FOR
A - 11744
Date 27-6-47

This Cab memo has not been selected and will not therefore come up before the Cab

27/6

8/47

pp Chief Whip

27/6/47

Memorandum No. 2 [illegible]

Paragraph

"The demands under the head
'Grants for Public Improvements'
for Rs 75,18,000 be reduced by Re 1
(to be entered the first time a vote
is moved) to discuss the original
demand by which the ex-officio
members of the District Board
may vote at the election of
Presidents and Vice Presidents"

Submitted with the enquiries
file with a note on the Subject

[illegible] Formerly, as per G.O. dated
-ly T- the ex-officio members
of the District Board were not
permitted to vote at
the election of Presidents and
Vice Presidents

The above rule (of 28/5/30)
was modified in 1939 and Govt in their

ML 138-46-9

No.A5.427/46-47. Office of the Deputy Commissioner,
Mandya District,
Mandya, dated: 10th June 1947.

From

K. Mohamed Ahmed, Esq., B.A.,
Deputy Commissioner,
Mandya District,
M a n d y a.

9939

To

Syed Abdul Aleem, Esq., B.A.,
Secretary to Government,
Revenue Department,
B a n g a l o r e.

Sir,

Subject: Voting by the Deputy Commissioners at the Election of Presidents of Town Municipalities.

"A" with reference to your letter No.L.15948/Rl.138-46-6 dated 16-5-47 addressed to the Deputy Commissioner, Shimoga District and forwarding a copy of the ~~xxxxx~~ same to this Office for information and guidance, I have the honour to state that ~~xxx~~ in connection with the question of the Official members of the - Municipal Council voting at the Elections of Presidents, the - "B" Government in their Order No.L.852-9/Rl. 44-30-5 dated 22-7-1930 directed that the Official member nominated to the Town and Minor Municipal Councils should not vote at the Elections of Presidents and exempted the Deputy Commissioner and Amildars presiding at the meeting of the Municipal Council under Section 23 (5) of the Mysore Municipal Regulation 1906, which is practically identical with Section 23 (6) of the Town Municipalities Act, now in force, from the operation of this order of prohibition - meaning thereby that the Deputy Commissioners or the Amildars as the case may be could exercise their votes at such election. This Government Order has not been superseded but the same has been modified in G.O.No. "D" L.6869-79/Rl.163-38-2 dated 25/27th February 1939, authorising the Official members also to exercise their votes at the elections of Presidents and vice-presidents of Town and Minor Municipal Councils. The present letter addressed to the Deputy Commissioner, Shimoga District appears to be in conflict with the above Government orders authorising the Deputy Commissioners and Amildars as the case may be to exercise their votes at the Election of Presidents and Vice-Presidents.

A.F.O.

I, therefore, request you kindly to obtain orders of Government for further classification on the point.

I have the honour to be,
Sir,
Your most obedient servant,

Deputy Commissioner,
Nadya District.

mra.

C No
Ref on Pet No } , 19 —19
App No
Dis No
Enclosure Dated
Approved on
Copied on by
Examined on by
Signed on Despatched on
Entered in—
Current } Register on
Petition }
Appeal } By
Periodical
Reminded on

WD 0639—GPB—75 000—10-6-45

10 copies

DRAFT

L 9601 / ML 138-46-10

To 23/9/47

The D C Mandya Dist

Abs

Docket Abstract

Voting by the D cs at the election of Presidents of Town municipalities

Sir,

With refee to your letter no Ds-427/46-47 dated 10-6-1947, requesting further clarification of the instructions ~~contained in this office~~ letter no L 15948/ML 138-46-6 dated 16-5-1947, on the above subject, I am directed to state that there are ~~the following~~ three G cs on ~~matter~~ the question as noted below —

i) L 8529/ML 44-30-5 dated 22-7-1930,
ii) L 6869-79/ML 163-38-2 dated 25/27-2-1939, and
iii) L 15948/ML 138-46-6 dated 16-5-1947

The G O dated 22-7-1930 while prohibiting the official members from voting at the election of Presidents and Vice-Presidents ~~also states~~ directs that such prohibition does not, however, apply to the D cs, and the Commissioners presiding at the meeting of the ML councils under sect 23(5) of the old Municipal Regulations (Act) 1906

The G O dated 27-2-1939, modifies the G O dated 22-7-1930 and directs that the official members nominated to the municipal councils may vote at the election of Presidents and Vice-Presidents of the respective ML councils

Sect 23(5) of the impose ML Regulations (Act) 1906, is substantially the same as Sect 23(6) of the impose D

municipalities Act, 1933 ~~is~~ to be held in the instructions issued in the
Hyd/ officers ~~letter~~ dated 16-5-1947, that the position of the D C
the Comdrs. acting under sect- 23(6) is only that of an
ad- interim nature and that therefore they may not vote to
that extent; the G O dated 16-5-1947 modifies the original
Hyd/ Govt order no L 8529/~~M~~/44-30-5 dated 22-7-1930;
though, however, the right to preside in such circum-
stances (vide sect- 23(6) of the Town Mlk Act, 1933) remains
unaltered. ~~Therefore the contents of the G O dated 16-5-47,~~
~~are clear on the point raised by you~~

I have etc,

for Rev Secy

Memo no L 9602-9/ML
23/9/47

Copy of the above, ~~together with a copy of the letter~~
~~no Rs 427/46-47 dated 10-6-1947, received from the~~
~~D C Mandya Dist~~, is forwarded w/c to the D C. Dol
~~in continuation of this office letter no L 15949-56~~
~~dated 16-5-1947,~~ for information and guidance

B O

for Rev Secy